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RECEIVED

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N. W. - Room 222
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex parte, CC Docket No. 98-147, Deployment Of Wireline Services
Offerings Advanced Telecommunications Capability

Dear Ms. Roman Salas:

In connection with its recent Notice Of Proposed Rulemaking in the above-referenced matter (FCC 98-188 released August 7, 1998), the Commission has sought and received comment on a vast number of issues. Particular attention has been devoted to questions relating to collocation and the provision of unbundled elements. AT&T, in its Comments and Replies, has discussed a number of changes in the Commission's processes and procedures.

AT&T has developed the attached draft rules, relating to collocation and unbundled loops, to illustrate how many of these pro-competitive initiatives could be put into practice. Specifically, AT&T offers proposed revisions to Sections 51.5, 51.319, 512.321, 51.323, and 51.801. While modifications to other rules may also prove necessary, the particular sections discussed in the attachment will clearly require particular attention.

AT&T would be pleased to meet with the Commission staff at any time to discuss and explain the attached draft rules.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(b)(1) of the Commission's rules.

Sincerely,

ATTACHMENT

cc: C. Matthey	J. Askin	W. Rogerson
M. Pryor	J. Oxman	D. Stockdale
L. Kinney	D. Shiman	P. DeGrabba

**AT&T's Proposed Modifications
to the Commission's Collocation and Loop Unbundling Rules**

47 C.F.R. § 51.5 (Terms and Definitions) shall be amended as follows:

Advanced Telecommunications Services. Advanced Telecommunications Services provide high speed, switched, broadband telecommunications capabilities which enable users to originate and receive high-quality voice, data, graphics and video telecommunications, using any technology.

Physical collocation. Physical collocation is an offering by an incumbent LEC that enables a requesting telecommunications carrier to:

- (1) Place equipment which it owns or leases that is used or useful for interconnection or access to unbundled network elements within or upon an incumbent LEC's premises;
- (2) Use all the features, functions and capabilities of such equipment;
- (3) Enter those premises, subject to reasonable terms and conditions as permitted by Section 51.323 of these Rules, to install, maintain, and repair equipment used or useful for interconnection or access to unbundled elements; and
- (4) Obtain reasonable amounts of space within or upon an incumbent LEC's premises, as provided in this part, for the installation of equipment used or useful for interconnection or access to unbundled elements, allocated on a first-come, first-served basis.

Premises. Premises refers to an incumbent LEC's central offices and serving wire centers, all buildings and structures owned or leased by an incumbent LEC to house its network facilities, and all structures that house incumbent LEC facilities on public or private rights-of-way, including but not limited to terminals and vaults or similar structures through which loop facilities pass, as well as all land or space owned or leased by an incumbent LEC around such central offices, serving wire centers, buildings or structures.

Pre-ordering and ordering. Pre-ordering and ordering includes the exchange of information between telecommunications carriers about current or proposed customer products and services or unbundled network elements or some combination thereof, including the exchange of loop qualification and interference information in connection with the provision of Advanced Telecommunications Services.

47 C.F.R § 51.319 (Specific unbundling requirements) should be amended as follows:

An incumbent LEC shall provide nondiscriminatory access in accordance with Section 51.311 and Section 251(c)(3) of the Act to the following network elements on an unbundled basis to any requesting telecommunications carrier for the provision of a telecommunications service:

- (a) *Local Loop.* The local loop network element is defined as a transmission facility between a distribution frame (or its equivalent) in an incumbent LEC network and an end user customer premises.
 - (1) A local loop network element may consist of fiber optic, copper or other transmission media, and electronics providing capabilities such as modulating and encoding and multiplexing, and includes loops providing or capable of providing Advanced Telecommunications Services.
 - (2) The incumbent LEC shall offer, and allow the requesting telecommunications carrier to choose from (1) a local loop facility, including but not limited to twisted copper pair(s) without electronics, that is capable of providing the same or greater bandwidth as is provided or offered by the incumbent LEC to the customer served by the same or a substantially similar local loop; and (2) where the incumbent LEC provides or offers to provide an Advanced Telecommunications Service to a customer, a local loop equipped to provide the Advanced Telecommunications Service provided or offered by the incumbent LEC, including electronics, which permits the requesting telecommunications carrier to serve, at no lesser quality, the voice and data communications originated by or terminated to the customer.
 - (3) An incumbent LEC shall, upon request, take all reasonable and necessary steps to condition an unbundled local loop to provide voice-grade, or Advanced Telecommunications Services through modifications such as adding or removing load coils, other active or passive electronics, or bridge taps.
 - (4) Where the local loop passes through equipment located outside the central office serving the customer, such as a Digital Loop Carrier ("DLC") or DSLAM system, that limits or affects the ability of the [REDACTED] to support an Advanced Telecommunication [REDACTED] or provide a particular bandwidth for [REDACTED], the incumbent shall provide the requesting carrier with one or more of the following alternatives from which the requesting carrier at its option may select:
 - (i) if a loop capable of providing the Advanced

Telecommunications Service specified by the requesting telecommunications carrier exists between the customer premises and the remote terminal location, and the incumbent LEC provides physical collocation in that remote location to the requesting telecommunications carrier pursuant to Sections 51.321 and 51.323 of these rules, the incumbent LEC shall provide that loop to the requesting telecommunications carrier;

(ii) if no loop capable of providing the Advanced Telecommunications Service specified by the requesting telecommunications carrier exists between the customer premises and the remote terminal location or central office, and/or if the incumbent LEC does not provide physical collocation to the requesting telecommunications carrier in that remote location or central office pursuant to Sections 51.321 and 51.323 of these rules, the incumbent LEC must unbundle and provide to the requesting telecommunications carrier a local loop, together with associated electronics necessary to offer the Advanced Telecommunications Service, where reasonable interconnection to that facility is permitted using physical collocation at either a remote terminal or a central office.

(iii) the incumbent LEC must provide upon request any other technically feasible method of obtaining a loop capable of supporting the services requested by the requesting telecommunications carrier.

(5) An incumbent LEC shall permit a requesting telecommunications carrier to access an unbundled local loop that passes through a remote terminal at or near a remote terminal or similar facility through any technically feasible method, including, but not limited to, physical collocation in or near the remote terminal, or interconnection to the unbundled loop in the remote terminal using transmission facilities, including but not limited to copper cables.

(6) An incumbent LEC shall publish and apply reasonable loop qualification procedures, including reasonable standards for addressing spectral interference, for Advanced Telecommunications Services in a nondiscriminatory manner between and among requesting telecommunications carriers, the incumbent LEC, and any affiliate of the incumbent LEC, and such procedures cannot apply standards more stringent than industry norms. An incumbent LEC may not prohibit a requesting carrier from providing a service due to potential spectral interference with or caused by prior existing services provided by the incumbent or its affiliate that do not conform with industry standards, unless the incumbent LEC demonstrates (1) it is no longer

deploying such services on a prospective basis, and (2) it is currently complying with a program, approved by the relevant state commission for migrating nonconforming services to separate and non-interfering facilities. Each incumbent LEC offering unbundled loops shall file, on April 1 and September 1 of each year, a report specifying, for the six month periods ending the immediately preceding December 31 and June 30, respectively, separately for each affected binder, every rejection of or condition imposed upon a requesting telecommunications carrier's provision of Advanced Telecommunications Services, together with the reason for the rejection or condition, the number of loops in that binder that the incumbent or its affiliate use to provide Advanced Telecommunications Services, the number of loops that other parties utilize in that binder for Advanced Telecommunications Services, and the service initiation date for each such loop.

* * *

(NO CHANGES TO REMAINDER OF SECTION 51.319)

47 C.F.R. § 51.321 (Methods of obtaining collocation, interconnection and access to unbundled elements under section 251 of the Act) shall be amended as follows:

- (a) Except as provided in this section, an incumbent LEC shall provide, on terms and conditions that are just, reasonable, and nondiscriminatory in accordance with the requirements of this part, any technically feasible method of obtaining collocation, interconnection or access to unbundled network elements at a particular point upon a request by a telecommunications carrier.
- (b) Technically feasible methods of obtaining interconnection or access to unbundled network elements include, but are not limited to:
 - (1) Physical collocation and virtual collocation at the premises of an incumbent LEC (including, but not limited to, any form of physical collocation defined by Section 51.323(a) of these Rules and the use of fiber, copper, and/or coaxial cables and microwave facilities to reach such collocation arrangements), provided that in cases where physical collocation is not feasible, the incumbent LEC shall be required to provide virtual collocation, except at points where the incumbent LEC demonstrates to the state commission that virtual collocation is not technically feasible; and provided further that an incumbent LEC shall not provide virtual collocation or its equivalent to its affiliate; and
 - (2) Meet point interconnection arrangements.
- (c) A previously successful method of obtaining interconnection or access to unbundled network elements at a particular premises or point on an incumbent LEC's network (including any particular form of physical collocation as defined in Section 51.323(a)) is substantial evidence that such method is technically feasible in the case of substantially similar network premises or points.
- (d) An incumbent LEC that denies a request for a particular method of obtaining interconnection or access to unbundled network elements on the incumbent LEC's network shall notify the state commission of the denial and demonstrate that the telecommunications carrier's request is not technically feasible within five business days of the denial. In the event that a dispute over interconnection or method of access to unbundled network elements has not been resolved by the mutual agreement of the parties or by final order of the state commission within ninety (90) days from the date that the dispute was filed with the state commission, upon petition of the requesting telecommunications carrier the Commission shall review the dispute pursuant to the procedures of Section 51.801, et seq. of these Rules on an expedited basis.

- (e) An incumbent LEC shall be required to provide for any technically feasible form of physical collocation of equipment used or useful for interconnection or access to unbundled network elements within or upon a particular incumbent LEC's premises. If an incumbent LEC denies any collocation request, including without limitation requests for initial or additional space and for the installation of a particular type of equipment, it must provide the requesting telecommunications carrier within five (5) business days after the denial an explanation of the basis for its refusal, which explanation shall include a detailed floor plan in all instances in which the incumbent LEC refuses a collocation request based on claims that no adequate space is available. If a physical collocation dispute has not been resolved by mutual agreement of the parties or by final order of the state commission within ninety (90) days from the date that the dispute was filed with the state commission, upon petition of the requesting telecommunications carrier the Commission shall review the dispute pursuant to the procedures of Section 51.801, et seq. of these Rules on an expedited basis.
- (1) As part of the demonstration required by subsection e) above, an incumbent LEC shall submit to the state commission detailed floor plans or diagrams of any premises where the incumbent LEC claims that physical collocation is not practical for technical reasons or because of space limitations. The floor plans must, at a minimum, show and describe for all incumbent LEC owned or leased space in the building: (1) the locations, size and nature of all working and spare telecommunications equipment; (2) the locations, size and use of all administrative, storage or other areas not containing network equipment; (3) the locations, size and projected use of all areas reserved for future use or growth and the planned date for use of that space; and (4) any other space in the building not described under (1), (2) or (3).
- (2) Subject to an appropriate protective order, the incumbent LEC shall provide a copy of these floor plans or diagrams to all requesting telecommunications carriers and to any interested party within five (5) business days of the interested party's request. Upon reasonable request, the incumbent LEC must permit, within five (5) business days of the request and without charge, an inspection of the entire premises during regular business hours by a representative of the requesting telecommunications carrier.
- (f) An incumbent LEC that is classified as a Class A company under Sec. 32.11 of this chapter and that is not a National Exchange Carrier Association interstate tariff participant as provided in part 69, subpart G, shall continue to provide expanded interconnection service pursuant to interstate tariff in accordance with Secs. 64.1401, 64.1402, 69.121 of

this chapter, and the Commission's other requirements.

- (g) An incumbent LEC must provide physical collocation and access to unbundled network elements to unaffiliated telecommunications carriers on nondiscriminatory terms and conditions. It may not offer superior terms or conditions for physical collocation or access to unbundled network elements to itself or to any affiliated carrier.

47 C.F.R. § 51.323 (Standards for physical collocation and virtual collocation) shall be amended as follows:

- (a) An incumbent LEC shall provide physical collocation and virtual collocation to requesting telecommunications carriers.
- (b) Incumbent LECs shall afford all requesting telecommunications carriers nondiscriminatory rates, terms and conditions for all forms of physical collocation, and shall allow all requesting telecommunications carriers to collocate on the same rates, terms and conditions as those enjoyed by the incumbent LEC and its affiliate(s), and shall not insist that collocating carriers comply with more stringent safety or engineering standards than its applies to its own operations.
- (c) Incumbent LECs shall provide requesting telecommunications carriers with any technically feasible physical collocation arrangement, pursuant to the procedures of Section 51.321 of these Rules, including but not limited to, Cageless Collocation, Shared Cage Collocation, Caged Collocation, and Remote Location Collocation.
 - (1) *Cageless Collocation* is a form of physical collocation in which a requesting telecommunications carrier has the ability to place its own equipment in single bay increments or the equivalent within or upon already-conditioned floor space in an incumbent LEC's premises, without the requirement of any mandatory physical separation of the requesting telecommunications carrier's equipment from the incumbent LEC's equipment.
 - (2) *Shared Cage Collocation* is a form of physical collocation in which the requesting telecommunications carrier's collocation space is physically separated from the space occupied by the incumbent LEC's equipment, but the physical collocation area or arrangement may be shared by two or more requesting telecommunications carriers. Within a shared cage collocation arrangement space is provided in single bay increments or the equivalent, and an incumbent LEC shall make a shared cage collocation arrangement available upon the request of one or more telecommunications carriers.
 - (3) *Caged Collocation* is a form of physical collocation in which a requesting telecommunications carrier places its own equipment within or upon floor space in an incumbent LEC facility that is physically separated from the collocated equipment of other requesting telecommunications carriers and the incumbent LEC. The requesting telecommunications carrier shall be permitted to sublease all or any portion of its collocation space to other telecommunications carriers. The incumbent LEC may, but shall not be required to,

offer initial caged collocation arrangements of less than 100 square feet.

- (4) *Remote Location Collocation* is a form of cageless physical collocation in which a requesting telecommunications carrier places its own equipment (including, but not limited to, copper cables, coaxial cables, fiber cables, and telecommunications equipment) in an incumbent LEC's remote locations (including but not limited to controlled environmental vaults) and cross connects its network facilities to incumbent LEC network facilities that (1) terminate at the network interface device at the customer's premises, or (2) connect the remote location to the incumbent LEC's central office. An incumbent LEC shall permit the requesting telecommunications carrier to utilize the incumbent LEC's easements and rights of way to connect to the remote location subject to the same terms and conditions that apply to the incumbent LEC's use of such rights. The incumbent LEC shall make floor, wall, rack or shelf space available, in single bay increments, or less where requested by the collocating carrier.

- (d) An incumbent LEC shall permit, subject only to reasonable and nondiscriminatory safety standards, the collocation of any type of equipment used or useful for interconnection or access to unbundled network elements in the provision of a telecommunications service, with the exception of self sufficient central office circuit switching systems.
- (1) An incumbent LEC may not impose any safety standards upon any type of equipment that a requesting telecommunications carrier seeks to collocate beyond those specified in industry standard NEBS Level One, as specified in Bellcore Document SR-3580. An incumbent LEC may not impose more restrictive safety standards upon collocated equipment than it applies to similar equipment that it has placed within or upon any of its premises for similar purposes, or that it permits to be placed upon its premises by any other party including an affiliate. An incumbent LEC shall not require the use of intermediate frames or Point of Termination bays.
- (2) Upon request of a telecommunications carrier, an incumbent LEC shall make available within five business days of request and without charge a list of all equipment that it has accepted within a particular state for collocation at its premises, or that it has permitted an affiliate to install, or that it has installed for its own use, including specific information on the manufacturer and product identification code or number, and shall permit the collocation of any equipment so listed.

- (e) The incumbent LEC shall permit a requesting telecommunications carrier to reserve, on terms at least at parity with the incumbent LEC self-reservation policies and practices, adjacent or non-adjacent conditioned space for additional equipment for up to one (1) year; provided, however, that an incumbent LEC's affiliate shall not be permitted to reserve space in any case where such reservation would prevent the earlier collocation of equipment by a non-affiliate.
- (f) When an incumbent LEC provides physical collocation, virtual collocation, or both, the incumbent LEC shall:
 - (1) Provide an interconnection point or points, physically accessible by both the incumbent LEC and the collocating telecommunications carrier, at which the fiber optic, coaxial or copper cable carrying an interconnector's circuits can enter the incumbent LEC's premises, provided that the incumbent LEC shall designate interconnection points as close as reasonably possible to its premises;
 - (2) Provide at least two such interconnection points at each incumbent LEC premises at which there are at least two entry points for the incumbent LEC's cable facilities, and at which space is available for new facilities in at least two of those entry points;
 - (3) Permit physical collocation of microwave transmission facilities, including the reasonable and non-discriminatory use of the incumbent LEC's tower, roof, riser and conduit spaces, except where such collocation is not practical for technical reasons or because of space limitations, in which case cageless collocation of such facilities is required where technically feasible.
 - (4) Permit the use of intrabuilding riser and conduit space in cases in which the collocating carrier owns or leases space elsewhere in the same building, to permit the connection of collocated equipment with the collocating carrier's other location in that building;
- (g) When providing virtual collocation, an incumbent LEC shall install, maintain, and repair collocated equipment within time periods and with failure rates that are no greater than those that apply to the performance of similar functions for comparable equipment of the incumbent LEC itself or for any other virtual collocation customer.
- (h) An incumbent LEC shall allocate space for the collocation of equipment pursuant to the following requirements:
 - (1) An incumbent LEC shall, for Caged Collocation, make space available within or upon its premises to requesting telecommunications carriers on a first-come,

first-served basis, but where caged collocation space cannot be made available the incumbent LEC shall respond by offering comparable space using Cageless Collocation or Shared Cage Collocation, without requiring separate application by the requesting telecommunications carrier;

- (2) An incumbent LEC shall, for Cageless Collocation, Shared Cage Collocation or Remote Location Collocation, make space available within a shared cage, cageless area, or remote location, in single bay increments or the equivalent (unless smaller amounts are requested by the collocating carrier), to requesting telecommunications carriers on a first-come, first-served basis;
- (3) An incumbent LEC shall, for virtual collocation, make space available within or upon its premises to requesting telecommunications carriers on a first-come, first served basis;
- (4) An incumbent LEC shall apply reasonable and non-discriminatory standards for classifying space in its premises as suitable for collocation and not suitable for collocation, and shall permit collocation to occur on any floor and in any area in which telecommunications equipment used by the incumbent, its affiliate, or any other party is located.
- (5) An incumbent LEC shall remove non-essential administrative offices, recreational space, and any equipment no longer used or useful within or upon its premises prior to denying a request for physical collocation on grounds of space limitations;
- (6) To the extent technically feasible, an incumbent LEC shall make contiguous space available to requesting telecommunications carriers that seek to expand their existing collocation space. When contiguous space is not available, the incumbent LEC shall not impose any restrictions that unreasonably restrict or inhibit the interconnection of equipment collocated in noncontiguous space;
- (7) When planning renovations of existing facilities or constructing or leasing new facilities, an incumbent LEC shall take into account projected demand for collocation of equipment;
- (8) If an incumbent LEC receives an application for physical collocation on an incumbent LEC premises and the incumbent LEC has a sufficient amount of already-conditioned or prepared floor space anywhere within or upon that premises that would accommodate that application, the incumbent LEC shall provide the requesting telecommunications carrier that space within

a commercially reasonable period of time.

- (9) An incumbent LEC may retain floor space for its own specific future uses, provided, however, that the incumbent LEC may not reserve space for future uses on terms more favorable than those that apply to other telecommunications carriers seeking to reserve collocation space for their own future use.
- (10) An incumbent LEC may impose reasonable restrictions on the warehousing of unused space by collocating telecommunications carriers, provided, however, that the restrictions shall be applied in a nondiscriminatory manner to all users of central office or remote terminal space and that the incumbent LEC shall not set maximum space limitations applicable to such carriers unless the incumbent LEC proves to the state commission that space constraints make such restrictions necessary with respect to particular premises.
- (11) An incumbent LEC's affiliate may not occupy more than the lesser of twenty-five percent (25%) or an equiproportional amount of the currently available or in use collocation space in any central office, remote location, or other incumbent LEC premises.
- (12) In any incumbent LEC location where the incumbent has denied a request for physical collocation within the preceding three years, any newly available collocation shall be first offered to the carriers whose requests for physical collocation were denied, beginning with the first such denial.
- (i) An incumbent LEC shall permit collocating telecommunications carriers to collocate equipment and connect such equipment to unbundled network transmission elements obtained from the incumbent LEC, shall not require such telecommunications carriers to bring their own transmission facilities to the incumbent LEC's premises in which they seek to collocate equipment, and shall not require that the collocating telecommunications carrier interconnect, collocate or operate under standards more restrictive or demanding than the standards followed by the incumbent LEC in its own network, or by an affiliate of the incumbent LEC.
- (j) An incumbent LEC shall permit a collocating telecommunications carrier to interconnect its network with that of another collocating telecommunications carrier at the incumbent LEC's premises and to connect its collocated equipment to the collocated equipment of another telecommunications carrier within the same premises.
- (1) An incumbent LEC shall, without unreasonable restriction, provide the connection between the equipment in the caged collocation spaces of two or

more telecommunications carriers, or between the collocation space and the incumbent LEC's distribution frame(s), unless the incumbent LEC permits collocating parties to provide this connection for themselves; and

- (2) An incumbent LEC shall permit collocating telecommunications carriers to place their own connecting transmission facilities between their own equipment within the incumbent LEC's premises, or between the collocation space and the incumbent LEC's distribution frame(s), where shared cage or cageless collocation is being used.
- (k) An incumbent LEC may, without subjecting the requesting telecommunications carrier to any unreasonable delay or expense in obtaining collocation space, require reasonable and nondiscriminatory security arrangements. These security arrangements shall not, however, be any more stringent or limiting than similar security arrangements that the incumbent LEC maintains at its premises for its own employees or employees of authorized contractors or other third parties with access to similar incumbent LEC premises. Incumbent LECs shall allow 24 hours per day, 7 days per week access to caged or shared cage collocation equipment without any requirement for escort or delayed entry to the collocation space. Incumbent LECs may require requesting telecommunications carriers to install, maintain or repair equipment collocated pursuant to cageless or remote location physical collocation (as defined in this section) pursuant to nondiscriminatory work policies, if the incumbent LEC utilizes the same policies for installation, maintenance or repair of its own telecommunications equipment; provided, however, that the incumbent LEC shall permit the immediate repair of malfunctioning collocated equipment at any time. In no event shall an incumbent LEC, based on security or any other concern, unreasonably refuse to provide or delay the provision of any form of physical collocation (including cageless physical collocation) to a requesting telecommunications carrier.
- (l) An incumbent LEC shall permit a requesting telecommunications carrier to subcontract all work associated with the provision of any form of physical collocation, including, but not limited to the room, floor or space conditioning or preparation with contractors approved by the incumbent LEC; provided, however, that the incumbent LEC shall not unreasonably withhold approval of contractors. The incumbent LEC shall approve or reject a contractor within five business days of the request, and based on the same criteria that the incumbent LEC uses in approving its own contractors. Upon request, the incumbent LEC shall provide within five business days to any telecommunications carrier a list of contractors currently approved by the incumbent LEC.

- (m) Within six (6) months of the effective date of these rules, all incumbent LECs shall create, maintain and make available within five (5) business days upon request by a certified telecommunications carrier a current report of the collocation space availability status in each of their central offices, wire centers, or comparable facilities. This report shall include the following information for each premises:
- (1) Address, town and state;
 - (2) CLLI code;
 - (3) Amount of already-conditioned floor space available for physical and virtual collocation for each type of collocation such as cageless or shared collocation;
 - (4) Amount of floor space being retained by the incumbent LEC and any affiliate of the LEC for future specific uses pursuant to subsection (f), together with an explanation of the specific future use for which the incumbent LEC has retained said space; and
 - (5) Measures the incumbent LEC is taking to comply with Section 51.323 of these Rules and make additional space available for physical collocation. The incumbent LEC shall update this report whenever material changes occur to the space availability, such as the incumbent LEC or another carrier installs, replaces, retires or removes equipment from the premises.

47 C.F.R. § 51.801 (Commission action upon a state commission's failure to act to carry out its responsibility under section 252 of the Act) shall be amended as follows:

- (a) If a state commission fails to act to carry out its responsibility under section 252 of the Act in any proceeding or other matter under section 252 of the Act, the Commission shall issue an order preempting the state commission's jurisdiction of that proceeding or matter within 90 days after being notified (or taking notice) of such failure, and shall assume the responsibility of the state commission under section 252 of the Act with respect to the proceeding or matter and shall act for the state commission.
- (b) For purposes of this part, a state commission fails to act if the state commission fails to respond, within a reasonable time, to a request for mediation, as provided for in section 252(a)(2) of the Act, or for a request for arbitration, as provided for in section 252(b) of the Act, or fails to complete an arbitration within the time limits established in section 252(b)(4)(C) of the Act, or fails to timely respond to a request under Section 51.319 of this Part.
- (c) A state shall not be deemed to have failed to act for purposes of section 252(e)(5) of the Act if an agreement is deemed approved under section 252(e)(4) of the Act.